

A regular meeting of the Liquor Advisory Committee was held on Monday, November 10, 2003 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Henry Allemon called the Meeting to order at 7:01 p.m.

ROLL CALL:

PRESENT: Henry W. Allemon
Alex Bennett
Anita Elenbaum
W. Stan Godlewski
Emily Polet, Student Representative
Carolyn Glosby, Assistant City Attorney
Sergeant Thomas J. Gordon
Pat Gladysz

ABSENT: Max K. Ehlert
James C. Moseley
James R. Peard

Resolution to Excuse Committee Members Ehlert, Moseley, and Peard

Resolution #LC2003-11-011

Moved by Godlewski

Seconded by Elenbaum

RESOLVED, that the absence of Committee members Ehlert, Moseley, and Peard at the Liquor Advisory Committee meeting of November 10, 2003 BE EXCUSED due to other commitments.

Yes: All-4
No: None
Absent: Ehlert, Moseley, Peard

Resolution to Approve Minutes of October 13, 2003 Meeting

Resolution #LC2003-11-012

Moved by Godlewski

Seconded by Elenbaum

RESOLVED, that the Minutes of the October 13, 2003 meeting of the Liquor Advisory Committee be approved.

Yes: All-4
No: None

Absent: Ehlert, Moseley, Peard

Agenda Items:

1. **DRURY INNS, INC. (A MISSOURI CORPORATION)**, 575 W. Big Beaver, Troy, MI 48084, Oakland County requests to **add space** to 2003 **Class C and SDM** licensed business, **and to change classification from Class C to B-Hotel**. [MLCC REQ ID# 231045]

Present to answer questions from the Committee was John Carlin.

Mr. Carlin explained that the Drury Inn is currently renovating the existing guest rooms in the north-south wing and adding 63 new guest rooms. Improvements are also being made to the entryway. The addition of the new guest rooms allows the corporation to request a change in classification from a "Class C" to a "Class B" hotel. This change in classification will permit the hotel to serve alcohol in the guest rooms in the form of room service and mini bars.

There was a brief discussion by the Committee members. Sgt. Gordon stated that the City inspections are currently underway on this property. Approval of this request should be on the condition that the inspections are approved.

Resolution #LC2003-11-013

Moved by Godlewski

Seconded by Bennett

RESOLVED, that DRURY INNS, INC. (A MISSOURI CORPORATION), 575 W. Big Beaver, Troy, MI 48084, Oakland County be allowed to add space to 2003 Class C and SDM licensed business, and to change classification from Class C to B-Hotel, pending approval of city inspections on current construction.

Yes: All-4

No: None

Absent: Ehlert, Moseley, Peard

Carolyn Glosby, assistant City Attorney, brought two items to the attention of the Committee.

1. Ms. Glosby read the language of House Bill Nos. 5201 and 5202, both of which are

currently “in committee.”

- Bill No. 5201 provides that a city with population over 750,000 may amend its ordinance to allow Class C licensees to serve alcohol until 4:00 a.m.
 - Bill No. 5202 provides that a home rule city (of any size) may amend its ordinance to allow any on-premises licensee to serve alcohol "until any such time as designated by the legislative body" of that city.
2. Ms. Glosby distributed a Proposed Resolution for review and approval by the Committee. This will be presented to City Council for their approval. Ms. Glosby and Lori Grigg Bluhm, City Attorney, will be attending the Michigan Liquor Control Commission Meeting in Lansing on December 3, 2003. They intend to present this Resolution to the MLCC for their consideration. The language of the Proposed Resolution appears below:

Proposed resolution
For review by Liquor Advisory Comm.

WHEREAS, the City Council has observed that within the City of Troy, several holders of specially designated dealer/specially designated merchant (“SDD/SDM”) licenses persist in selling or furnishing alcohol to minors despite being the subjects of previous prosecution on numerous occasions for this illegal activity; and

WHEREAS, current State law provides that SDD/SDM licenses may only be suspended or revoked by the Michigan Liquor Control Commission (the “Commission”) after it determines that the licensee has furnished or sold alcohol to a person under 21 years old on at least three occasions within a calendar year, if the person under 21 years of age did not use false or fraudulent identification (MCL 436.1501(3)); and

WHEREAS, local units of government are not permitted under current state law to object to the renewal of a SDD/SDM license, but only to request that the Commission revoke said license, and only under the aforementioned circumstances; and

WHEREAS, current State law permits local units of government to object to the annual renewal of Class C liquor licenses by the Commission, which provides a stronger and more effective remedy for prevention of future illegal sales of alcohol to minors; and

WHEREAS, the present inability of local units of government to

object to the renewal of SDD/SDM licenses, or otherwise compel licensees' compliance with applicable law, deprives them of a significant and effective means for policing and maintaining the caliber of local businesses within their jurisdictions;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Troy, that it is recommended to the Commission that the Michigan Liquor Code be amended to allow local units of government to object to the annual renewal of SDD/SDM licenses; further, that said objection may be grounded upon the licensee's demonstrable pattern of disregard for applicable laws, regulations, and/or ordinances prohibiting the illegal sale or furnishing of alcohol to minors; and that a copy of this resolution be sent to the Commission.

Resolution #LC2003-11-014

Moved by Godlewski

Seconded by Elenbaum

RESOLVED, that the Proposed Resolution to amend the Michigan Liquor Code to allow local units of government to object to the annual renewal of SDD/SDM licenses on the grounds of the licensee's demonstrable pattern of disregard for applicable laws, regulations, and/or ordinances prohibiting the illegal sale or furnishing of alcohol to minors be approved and submitted to the City Council for their review.

Yes: All-4

No: None

Absent: Ehler, Moseley, Peard

The Meeting adjourned at 7:37 p.m.

Henry W. Allemon

Patricia A. Gladysz, Clerk-Typist